

Title V Program Evaluation

Questionnaire

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## A. Title V Permit Preparation and Content

1. What % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve quality of applications if this % was low?

**Very few, if any, initial applications received by MPCA contain sufficient information for the permit to be drafted. Some permit applications are better in detail than others but all require additional information from the source.**

**To improve the quality of applications, MPCA has modified their application forms, by making instructions more explicit and including examples, when appropriate. They have also updated their fact sheets and their Air Quality Permit Guide. These new forms were pro-actively sent via email to consultants in Minnesota, in response to a problem with consultants using outdated application forms. In addition, MPCA has included a myriad of information on the Air page of their website. Some publications that can be downloaded are fact sheets on general issues, registration permits, federal and state regulations, small business assistance, calculating potential to emit, and NSPS individual subparts. Other publications that can be downloaded are the MPCA Air Quality Permit Guide, the Air Toxics Review Guide for Air Permit Applications, newsletters, presentations, and various reports.**

**The Air Quality Permit Guide is divided into 3 parts: 1) Defining your facility; 2) Determining Compliance, and 3) Making Changes. These documents walk a source through making the determination if their facility needs an air permit and offers specific direction for completing an air permit application. Specifically, Part 1 offers help in defining the source(s) of air emissions, calculating air emissions, determining which rules apply, and assembling descriptions and calculations for an application, if necessary. Part 2 discusses the compliance responsibilities of the source and offers information about the legal protections that are available. Part 3 explains what air quality rules and regulations apply when making changes at a facility and how the changes affect the air quality permit.**

**In a handful of situations, MPCA has revoked a source's application shield because the information that was submitted was not complete and additional information was not forthcoming.**

Y X N ☐

2. For those title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit?

**When a significant amount of time passes between application submittal and the time a permit is drafted, MPCA sends a template letter indicating specific portions of the permit application which should be reviewed and updated. However, the letter also asks the source to review the entire application for accuracy. This letter is sent to the source 6 months before MPCA begins to work on a permit.**

**At this time, updates have been requested from all remaining Part 70 sources (those that have not been issued), the intent being that they would be issued this year.**

Y X N ☐

a. Do you require a new compliance certification?

**MPCA requires an amended compliance certification each time the application is amended.**

Y X N ☐

3. Do you verify that the source is in compliance before a permit is issued and if so, how?

**All sources are given a site visit and file review prior to permit issuance, usually while drafting the permit. This procedure serves to ensure that all previous permit requirements are included in the proposed permit conditions and staff verifies the facility's compliance certification. Enforcement personnel are notified that a specific source's permit is being drafted and often the enforcement engineer will accompany the permit engineer on the site visit.**

Y X N ☐

a. In cases where the facility is out of compliance, are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained?

**Typically, MPCA prefers to include a compliance schedule (Table C) in the permit, as opposed to delaying the permit. If the facility is not in compliance and the issues are clear and the resolution is known, MPCA will usually issue the permit with a compliance schedule. But there have been cases where they have chosen to delay the permit long enough to identify**

**the violation, so that a compliance schedule could be created and incorporated into the permit.**

4. What have you done over the years to improve your permit writing and processing time?

**To improve permit writing and processing time, MPCA has created new permit template language and has incorporated it into their DELTA database system. This allows the permit engineer to cut and paste language into a source's permit, thus eliminating the need to "reinvent the wheel" with each permit. They have also implemented their "low hanging bean" initiative using templates created by SIC code/industry, assigning a group of staff to work on a category, notifying EPA of the 1<sup>st</sup> permit in the batch and that it would serve as a template, and EPA agreeing to minimize review of the rest of the category provided the template was followed or deviations identified. This initiative resulted in a large increase in issuance rates.**

**MPCA has also introduced non-monetary incentive programs to their permit writers, such as the Great Permit Race, which emphasized speedy permit issuance. Because Minnesota has a combined NSR and Title V permit program, MPCA has also separated permitting staff into working only on Title V permits or NSR construction and/or modification permits, when it is feasible. This has assisted in increasing the rate of Title V permit issuance.**

**In addition, MPCA holds bimonthly LEADS meetings, where staff share ideas, brainstorm on specific issues, discuss and make policy decisions and discuss technical issues and guidance. MPCA feels that the LEADS meetings help them to improve writing and processing time by sharing ideas and expertise. Minutes are taken during the LEADS meetings to memorialize group discussions and decisions. These minutes are available to staff for future reference.**

Y X N ☐

5. Do you have a process for quality assuring your permits before issuance? Please explain.

**Prior to sending the drafted permit to the permittee, MPCA utilizes peer review techniques, such as sending a drafted permit to another permit engineer, as well as an enforcement engineer, a CEMs/COMs engineer, a modeler, and air toxics staff for review. A peer review checklist is utilized by each reviewer. In addition, for controversial permits, issues are discussed in the LEADS meetings and reviewed by the Attorney General's office and MPCA's public information**

**officers.**

6. Do you utilize any streamlining strategies in preparing the permit such as:

Y X N ☐

a. Incorporating test methods, major and minor New Source Review permits, MACT's, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain.

**MPCA directly references sections of the federal and state rules and defines rule options or gives the source a deadline to chose a compliance option (usually the MACT compliance date). Old NSR permits are superceded by the issuance of the new combined permit.**

Y X N ☐

b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe.

**MPCA utilizes both of these techniques (grouping similar units and listing the requirements of the most stringent applicable requirements) to streamline multiple applicable requirements on the same emission unit(s). The determination of how to deal with this is dependent on the permit writer and the permittee.**

c. Describe any other streamlining efforts.

**MPCA also develops and utilizes sector-based "model" permits that can be later used as boilerplates for similar sources in the same sector. MPCA is also working with R5 to combine the 30 day and 45 day public comment period to shorten issuance time.**

**In addition, MPCA employs the use of general permits and registration permits. General permits cover a group of similar facilities, such as asphalt plants or construction aggregate producers. A general permit requires less individual processing by the MPCA than a permit developed to meet unique requirements for each facility. Because of this, a general permit may be quicker to obtain. Registration permits are simple, one-page permits for some facilities whose actual emissions are low and which are not subject to federal**

**regulations. Typical facilities qualifying for a registration permit include auto body shops and schools operating boilers for heat. 75% of Minnesota's sources are permitted. Registration permits are "permits by rule".**

7. What do you believe are the strengths and weaknesses of the format of the permits (i.e. length, readability, facilitates compliance certifications, etc.)? Why?

**MPCA believes the strengths of their permits include a logical, easy to follow format with a good summary of applicable regulations. Their DELTA database automatically provides enforcement with necessary information and allows simplified modifications with its editing capabilities.**

**Weaknesses in the format of their permits include odd language requirements to accommodate DELTA's tracking capabilities**

8. How do you fulfill the requirement for a statement of basis? Please provide examples.

**MPCA uses a Technical Support Document (TSD) for each permit that goes to public comment. In the TSD, MPCA includes sections of information such as: General Information (name & address of the facility, a description of the facility, a description of activities allowed by the permit action, and facility emissions), Regulatory and/or Statutory Basis (a list of emission units and their applicable regulations), Technical Information (emissions calculations and periodic monitoring requirements), as well as a Conclusion paragraph. See Attachment B for a typical Technical Support Document issued by MPCA.**

9. Does the statement of basis<sup>1</sup> explain:

Y X N ☐

a. the rationale for monitoring (whether based on the underlying standard or monitoring added in the permit)?

Y X N ☐

b. applicability and exemptions, if any?

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<sup>1</sup> The Statement of Basis sets forth the legal and factual basis for the permit as required by 70.7(a)(5). The permitting authority might use another name for this document such as Technical Support Document, Determination of Compliance, Fact Sheet.

Y X N ☐

c. streamlining (if applicable)?

**MPCA staff utilize a template and language suggestions when drafting Technical Support Documents.**

Y X N ☐

10. Do you provide training and/or guidance to your permit writers on the content of the statement of basis?

**The template that MPCA uses to draft their TSDs includes instructions on what to include, etc. Also, each new permit writer is assigned a mentor and is given a syllabus of what to learn. TSDs are also discussed, at times, during the LEADS meetings.**

11. Do any of the following affect your ability to issue timely initial title V permits:

Y X N ☐

a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions)

**There have been instances where administrative orders are included in a site-specific SIP and must be placed in Title V permits. This can cause delays in issuing the Title V permit for these sources.**

Y X N ☐

b. Pending revisions to underlying NSR permits

**Because of their combined program, MPCA has held off issuance of a Title V permit until NSR problems are resolved, rather than issuing the Title V permit and reopening it soon after in order to incorporate the NSR portion into it. In an effort to conserve resources, MPCA has made a management decision to proceed in this manner.**

Y X N ☐

c. Compliance/enforcement issues

**Title V permit issuance is often delayed due to federal and state enforcement cases, example: Flint Hills Resources and the ethanol enforcement cases. MPCA and EPA have agreed to have EPA enforcement staff develop place holder language to be included in the permit. MPCA and EPA have also agreed to have EPA enforcement staff involved in writing/incorporating portions of consent decree requirements into the Title V permits.**



Y ☐ N ☒

d. EPA rule promulgation awaited (MACT, NSPS, etc.)

**MPCA usually does not hold up permit issuance due to a forthcoming MACT or NSPS. They incorporate the proposed rule into the permit with a deadline for compliance.**

Y ☒ N ☐

e. Issues with EPA on interpretation of underlying applicable requirements

Y ☒ N ☒

f. Permit renewals and permit modification (i.e., competing priorities)

**See b. above. MPCA will try to merge a source's modification(s) with a Title V permit whenever possible.**

Y ☒ N ☐

g. Awaiting EPA guidance

i. If yes, what type of guidance?

**MPCA has experienced delays in issuing permits while awaiting guidance for issues such as NSR reform, periodic monitoring, compliance assurance monitoring (CAM), and general applicability of federal standards (i.e., MACT).**

Y ☒ N ☐

ii. If yes, have you communicated this to EPA?

A. If yes, how did you request the guidance?

**MPCA has requested guidance in monthly conference calls held with EPA, in quarterly state conference calls, and in specific correspondence.**

If yes, please specify what type of EPA guidance, and how you requested the guidance

Note: If yes to any of the above, please explain.

12. Any additional comments on permit preparation or content?

**No additional comments on permit preparation or content were given.**

B. General Permits (GP)

Y ☒ N ☐

1. Do you issue general permits?

a. If no, go to next section

b. If yes, list the source categories and/or emission units covered by general permits.

**MPCA's general permits cover a group of similar facilities, such as asphalt plants or construction aggregate producers. A general permit requires less individual processing by the MPCA than a permit developed to meet unique requirements for a facility. Because of this, a general permit is usually quicker to obtain. A general permit can be written as either a state permit or a Part 70 permit.**

Y ☐ N ☒

2. In your agency, can a title V source be subject to multiple general permits and/or a general permit and a standard "site-specific" Title V permit?

a. What percentage of your title V sources have one or more general permits have more than one general permit?  
\_\_\_\_0\_\_\_\_%

Y ☒ N ☐

3. Do the general permits receive public notice in accordance with 70.7(h)?

a. How does the public or regulated community know what general permits have been written? (E.g., are the general permits posted on a website, available upon request, published somewhere?)

**MPCA public notices the template for the general permit in the state register. Notice also goes to most county libraries and mailing lists. A list of sources covered by the general permit is available to the public upon request.**

4. Is the 5 year permit expiration date based :

Y ☒ N ☐

a. on the date the general permit is issued?

Y ☐ N ☒

b. on the date you issue the authorization for the source to operate under the general permit?

5. Any additional comments on general permits?

**Construction is allowed to begin under a prescriptive flexible permit, as long as all NSR requirements have been met.**

**13% of Title V permits that have been issued are general permits.**

**If a facility becomes subject to a specific list of MACTs during the life of the general permit, then MPCA does not reopen the permit. The permittee is required to comply with the MACT.**

### C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3) and 70.6(c)(1)) if monitoring is not specified in the underlying standard or CAM?

**To ensure operating permits contain adequate monitoring, staff use CAM guidance documents, DELTA templates and the HELP file for information on control devices and facility-wide monitoring. Staff also use EPA's TTN website for Title V guidance documents and automatic links for monitoring documents.**

Y ☒ N ☐

a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance.

**Standard monitoring requirements are included in flexible cap permits and synthetic minor permits.**

**MPCA's DELTA system contains HELP files with suggested control equipment options for specific circumstances. This data was reviewed by R5. Currently, MPCA is developing a monitoring template to be used when drafting their Technical Support Documents (TSDs).**

Y ☐ N ☒

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

**No direct training specifically on monitoring is provided. Monitoring issues are usually covered by their general training program for permit writers. The general training includes a mentoring program,**

**use of EPA's satellite training system and APTI classes.**

**Currently, MPCA also has two short term FTEs whose duties will focus on creating a training program for permit writers and compliance/enforcement personnel. MPCA management hopes to incorporate monitoring training into the program.**

**Y ☐ N ☐**

**3. How often do you "add" monitoring not required by underlying requirements? Have you seen any effects of the monitoring in your permits such as better source compliance?**

**MPCA can't quantify this but they do routinely add monitoring requirements to track efficiencies of control devices that are needed to maintain synthetic minor limits. Additional monitoring requirements and how they will aid in maintaining the source's synthetic minor limits are described in the TSD.**

**MPCA does not specifically track compliance monitoring so they were unable to assess whether monitoring has been beneficial for source compliance. However, they stated that initially, with increased monitoring, compliance rates tend to decrease, but over time, they continue to rise.**

**Y ☒ N ☐**

**4. Are you incorporating CAM monitoring into your permits?**

**As required by the CAM rule, MPCA is incorporating CAM monitoring into their Title V renewals and modifications for specific units. MPCA feels that the issuance of Title V permits and permit renewals will be easier now that CAM guidance has been issued.**

## D. Public Participation and Affected State Review

### Public Notification Process

Y ☒ N ☐

1. Do you publish notices on proposed title V permits in a newspaper of general circulation?

**General permits are posted in the state register. Other permits that must be sent for public notice are published in local newspapers.**

Y ☐ N ☒

2. Do you use a state publication designed to give general public notice?

**A state publication is only used if a general permit is posted. General permits' public notice is posted in the State register which is circulated throughout Minnesota.**

3. On average, how much does it cost to publish a public notice in the newspaper (or state publication)?

\$ 500 (per publication)- **statewide average**

**Out of state publishing costs = \$75 - \$200**

**Minneapolis/St. Paul = \$700 - \$1200 (40% of sources)**

**State register = \$140**

Y ☒ N ☐

4. Have you published a notice for one permit in more than one paper?

a. If so, how many times have you used multiple notices for a permit?

**MPCA publishes multiple notices for one permit about once or twice a year. This is usually done if readership is about the same in more than one paper.**

b. How do you determine which publications to use?

**MPCA uses the publications where legal notices are published. Sometimes local papers are used, as needed.**

c. What cost-effective approaches have you utilized for public publication?

**MPCA utilizes a newspaper service, which chooses the paper in which the notice will be published, and gets a discounted**

**publication rate. To reduce publication expenses, MPCA has also shortened the length of the public notice announcement and have had the Title V permittees publish their own notice, especially, if they are in a rush to receive the permit.**

Y X N ☐

5. Have you developed a mailing list of people you think might be interested in title V permits you propose? [e.g., public officials, concerned environmentalists, citizens]

a. How does a person get on the list?

**The permit engineer assigned to a facility is responsible for putting together a mailing list. This list includes any one person or group that has expressed interest in the company. The lists also includes public officials and federal land managers. Lists are maintained by facility, county or state.**

b. How does the list get updated?

**A clerical staff member is contacted by the permit engineer or the interested party to update the list.**

c. How long is the list maintained for a particular source?

**The lists are kept indefinitely and are arranged by county or state, not by source.**

d. What do you send to those on the mailing list?

**A one page public notice announcement is sent to those on the mailing list.**

Y X N ☐

6. Aside from publications described above, do you use other means of public notification?

If yes, what are they (e.g., post notices on your webpage, e-mail)?

**All announcements are posted on the MPCA website. In addition, MPCA has begun to post draft Title V permits, draft construction permits and TSDs on their web page.**

**MPCA responds to email questions via email. However, comments received for a particular draft permit are not**

**considered formal comments unless MPCA receives a hard copy. Faxes on forthcoming letters/comments are accepted.**

**Y X N ☐**

**7. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes?**

**MPCA routinely books pre- public hearing meetings for sources with known public interest or controversial permits. Extra copies of the public notice announcement, (TSD and permits) have been brought to certain meetings.**

**However, no special public notification for environmental justice areas is given. Translators have not been utilized in public meetings nor have notices been issued in a language other than English. They have specifically held public meetings in buildings that are easily accessible by public transportation.**

**In an effort to improve its public participation process, MPCA embarked on a Community Involvement Project (CIP). The initial purpose of the CIP was to integrate community involvement practices into the air-quality permitting program. In April 2003, MPCA released its community involvement project report. The report lists the objectives for this project as 1) keeping the public well informed of ongoing planned activities, 2) encouraging and enabling the public to get involved, 3) listening carefully to what the public is saying, 4) identifying and dealing responsibly with public concerns, 5) changing planned actions where public comments or concerns have merit, and 6) explaining to citizens how their comments are considered, what is planned, and why MPCA reached the decision it did.**

**By implementing the community involvement process, MPCA believes they will be better equipped to understand the interests of the communities, improve their ability to communicate, save time currently spent in reacting to unexpected occurrences and contested permits, reduce stress on staff and add value to the permit issued.**

**Y X N ☐**

**8. Do your public notices clearly state when the public comment period begins and ends?**

**9. What is your opinion on the most effective avenues for public notice?**

**MPCA feels that it is very important to reach the public and receive**

**their comments early in the permitting process, i.e. long before the draft permit is sent to public notice.**

Y X N X

a. Are the approaches you use for public notice effective?

**MPCA stated that the 30 days public comment period is the least effective tool in the public participation process.**

Y ☐ N X

10. Do you provide notices in languages besides English? Please list.

Public Comments

Y X N ☐

11. Have you ever been asked by the public to extend a public comment period?

**MPCA has extended the public comment period, normally to schedule public meetings.**

Y X N ☐

a. If yes, did you normally grant them?

**Extensions are granted on a case by case basis but MPCA states that they are granted routinely for any logical reason. For example, MPCA will grant an extension if a mistake is made by MPCA in publishing the time of a public hearing or the specific location of the facility.**

b. If not, what would be the reason(s)?

**An extension would not be granted if a citizen was out of town and did not receive notice in time to submit comments.**

Y X N ☐

12. Has the public ever suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? Describe.

**MPCA has not received any suggested improvements to the contents of public notices. However, they have received suggestions on how to improve the public participation process. These complaints/suggestions were primarily the reason the CIP was instituted and implemented.**



Y X N ☐ 13. Do you provide the public a copy of the statement of basis if they request it? If no, explain.

14. What percentage of your permits have received public comments?

**Less than 10% of the draft Title V permits have received public comments. Only 1-2% of the comments received were comments considered by MPCA to be “useful”, or invoked a change to the draft permit.**

Y X N ☐ 15. Over the years, has there been an increase in the number of public comments you receive on title V permits? Is there any pattern to types of sources getting comments?

**Over the years, comments have gotten more organized. More environmental groups have been formed and some have committed themselves to comment on any permit for any source in Minnesota.**

Y X N ☐ 16. Have you noticed any trends in the type of comments you have received? Please explain.

**The comments received by MPCA have gotten more sophisticated over the years, but are still primarily policy-based, not permit specific. However, comments on permits such as Rochester Public Utilities were specific and useful.**

**Other types of pollutants/sources that are eliciting comments are toxic emissions, such as mercury, dioxins, PM 2.5, diesel generators, and landfills.**

a. What percentage of your permits change due to public comments?

**1 -2 %**

Y X N ☐ 17. Have specific communities (e.g., environmental justice communities) been active in commenting on permits?

**The Northeast Minneapolis community, a community where environmental concern has been heightened over the years because of problem facility emissions, has been active in commenting on permits. As such, they request a public hearing whenever any draft air-quality permit is public noticed.**

Y ☐ N ☒ 18. Do your rules require that any change to the draft permit be re-proposed for public comment?

a. If not, what type of changes would require you to re-propose (and re-notice) a permit for comment?

**If the permit is made less stringent, it would be re-proposed for public comment. Otherwise, changes to the draft permit are not re-proposed for public comment.**

#### EPA 45-day Review

Y ☐ N ☒ 19. Do you have an arrangement with the EPA region for its 45-day review to start at the same time the 30-day public review starts? What could cause the EPA 45-day review period to restart (i.e., if public comments received, etc)?

**EPA and MPCA are working on running concurrent review times. The rule change that reflects this is currently being proposed.**

a. How does the public know if EPA's review is concurrent?

**The public announcement for a proposed permit would state that MPCA and EPA review periods are concurrent.**

Y ☐ N ☐ 20. Is this concurrent review process memorialized in your rules, a MOA or some other arrangement?

**The concurrent review processed will be memorialized in the State rules.**

#### Permittee Comments

Y ☒ N ☐ 21. Do you work with the permittees prior to public notice?

Y ☒ N ☐ 22. Do permittees provide comments/corrections on the permit during the public comment period? Any trends in the type of comments? How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit?

**At times, the permittees provide comments/corrections on the permit during the comment period. However, they are mostly clerical at this point. Most substantive comments are resolved prior to the public**

notice period.

### Public Hearings

23. What triggers a public hearing on a title V permit?

**A request for a hearing must be made in writing. Any logical request for a public hearing is granted, i.e, there is no minimum number of requests to trigger a hearing. Most hearings are informative, question and answer sessions, not formal hearings (i.e., no stenographer). Public comments are received up to 15 days after the hearing, unless otherwise pressured.**

Y X N ☐

c. Do you ever plan the public hearing yourself, in anticipation of public interest?

**MPCA has published the date and time of a public hearing in the original public announcement for a proposed permit.**

### Availability of Public Information

Y X N ☐

24. Do you charge the public for copies of permit-related documents?

If yes, what is the cost per page?

**For requests of photocopies below 20 pages, MPCA does not charge a fee. For more than 20 pages, MPCA charges less than 20 cents per page for photocopies. If staff is required to photocopy the file, a fee is charged per hour.**

Y X N ☐

a. Are there exceptions to this cost (e.g., the draft permit requested during the public comment period, or for non-profit organizations)?

**Draft permits requested during the public comment period are free; a request for the TSD is usually free, but not always.**

Y ☐ N X

b. Do your title V permit fees cover this cost? If not, why not?

**Title V permit fees are not separated out in this manner.**

25. What is your process for the public to obtain permit-related information (such as

permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis) especially during the public comment period?

**Concerned citizens must call the MPCA offices to request documents. Usually, a clerical staff person will make the copies. However, there is also an option offered to the public of scheduling a time to review the file. In that case, a room is reserved and the interested party can look through the file and copy what they need. MPCA will also send information to interested parties.**

Y X N ☐

a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Explain.

**Draft permits are available at local public libraries and field offices. However, permit applications and TSDs are not available in these locations. The concerned party would have to request the documents.**

26. How long does it take to respond to requests for information for permits in the public comment period?

**Requests for information for permits during the public comment period are responded to immediately if the documents are part of the permit record. Monitoring and compliance data usually takes more time to compile because it is not kept in the permit file.**

Y X N ☐

27. Have you ever extended your public comment period as a result of information requests?

a. Where is this information stored?

**This information is kept in the MPCA offices in St. Paul or in the larger field offices.**

Y ☐ N X

b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits?

Y X N ☐

c. Have you ever extended the public comment period because of a request for a public hearing?

Y X N

28. Do you have a website for the public to get permit-related

documents?

a. What is available online?

**The public announcement, the draft permit and the TSD are all available on-line.**

b. How often is the website updated? Is there information on how the public can be involved?

**The permits are added to MPCA's website at the beginning of the public comment period and removed from the website when the public comment period has ended. They are on the web for the full 30 or 45 day period. In addition, there is information on the website on public participation.**

Y X N ☐

29. Have other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe.

**Improvements in public notification, process and access to information were explored in the Community Involvement Project. Specifically, the CIP states that permitting staff will undertake several steps to determine if a specific permit requires community involvement assistance, consultation or implementation:**

**\* Initial information gathering: This would occur soon after the permit engineer picks up the application.**

**\* Community involvement decision meeting (CIDM): This forum-like process would be used for those permits likely to need community involvement beyond the basic requirements.**

**\* Team formation: After the CIDM recommends community involvement strategies, the permitting supervisor will form a team with the competencies needed to implement strategies.**

**\* Thorough information gathering: The team will compile information about the community, the facility and the circumstances to identify key audiences and issues.**

**\* Communications blueprint: The team will complete a communications blueprint or communication plan to suit the circumstances or community.**

**\* The finish line: The team will implement the communications blueprint or plan until a permit is issued that interested parties can accept.**

**\* Measurement: The team will evaluate the process to determine if it is effective.**

Y X N

30. Do you have a process for notifying the public as to when the 60-day citizen petition period starts? If yes, please describe.

**MPCA stated that, in general, this does not apply to their program because they have not had many petitions. However, included in their responses to commenters is a letter which describes options and instructions for the petition process.**

Y X N ☐

31. Do you have any resources available to the public on public participation (booklets, pamphlets, webpages) ?

**MPCA's website links to the EPA web page on public participation. They also have their own fact sheet on public participation on the web as well as public hearing tools, such as sign-in sheets, comment forms and agendas. In addition, the CIP provides web URLs for the following publications:**

**1) Citizens' Guide to Part 70 (Title V) Air Quality Permits, 2) Citizens' Guide to Air Dispersion Modeling, 3) Citizens' Guide to Monitoring of Outdoor Air, and 4) Citizens' Guide to Air Pollutant Emission Inventories.**

Y X N ☐

32. Do you provide training to citizens on public participation or on title V?

**In the past, EPA has provided the training to citizens on Title V and public participation. In April 2003, EPA provided training to the citizens of Bemidji on the public participation process. Currently, MPCA and EPA have an agreement that MPCA will identify specific training needs, locations, and times and EPA will provide assistance.**

Y X N ☐

33. Do you have staff dedicated to public participation, relations, or liaison?

a. Where are they in the organization?

**MPCA employs a Public Information Officer. However, the permit engineer is primarily responsible for scheduling hearings, disseminating information and acting as a contact for the public.**

b. What is their primary function?

**Because the Public Information Officer is not often involved in the permitting process, this question is not applicable.**

Affected State Review and Review by Indian Tribes

34. How do you notify affected States of draft permits?

**Affected States are notified of draft permits in the same manner as all other interested parties. They are placed on the Statewide mailing list(s).**

a. How do you determine what States qualify as “affected States” for your draft permits?

**MPCA follows the regulatory guidelines for what qualifies as an “affected state”. Minnesota rules define an “affected state” as any state whose air quality may be affected and that is contiguous to Minnesota or that is within 50 miles of the permitted source.**

35. How do you notify tribes of draft permits?

**Tribes are notified in the same manner as the general public. They are on the mailing list(s).**

36. What percentage of your permits get comments from affected States? from Tribes?

**Affected States usually do not comment on draft permits. Affected Tribes, on the other hand, have made inquiries into specific permits but don’t normally provide formal comments (small percentage).**

37. Is there any pattern to the type of draft permit that gets affected State / Tribal comment? Are there common themes in comments from affected States or Tribes?

**Since Tribes haven’t historically made formal comments, MPCA felt this question was not applicable.**

38. Suggestions to improve your notification process?

**MPCA is in the process of implementing a new program that will improve the notification process.**

Any additional comments and public notification?

**No additional comments on public notification were given.**

E. Permit Issuance / Revision / Renewal

Initial Permit Issuance

- Y **X** N ☐ 1. If not all initial permits have been issued, do you have a plan to ensure your permits are issued in a reasonable timeframe? If not, what can EPA do to help?

**MPCA had agreed to issuance of all their Title V permits by December 1, 2003. However, MPCA stated that since some FTEs have been shifted to implementing NSR reform, these milestones were not met. A new schedule has been proposed by MPCA. With 29 permits left to issue, MPCA has estimated that they should be issued by December 31, 2004. MPCA has requested assistance from EPA to help them issue T5 permits more readily and both agencies have agreed to the terms. This cooperative agreement is entitled Permit Streamlining Matrix (Attachment A) and is currently being implemented.**

Permit Revisions

2. Did you follow your regulations on how to process permit modifications based on a list or description of what changes can qualify for:

- Y **X** N ☐ a. Administrative amendment? (See § 70.7(d)(vi))
- Y **X** N ☐ b. §502(b)(10) changes? (See §70.4(b)(12))
- Y **X** N ☐ c. Significant and/or minor permit modification? (See §70.7(e))
- Y **X** N ☐ d. Group processing of minor modifications?

- Y ☐ N ☐ 3. If the EPA Regional office has formally asked you to re-open a permit, were you able to provide EPA with a proposed determination within 90 days? (40 CFR 70.7(g)(2))

**This situation has not arisen.**

If not, why not?



4. For those permits that have been issued, and where the permitted facility has undergone a change, how many changes to the title V permit have you processed?

**Approximately 125 changes per year are made to Title V permits.**

a. What percentage of changes at the facilities are processed as:

i. Significant - **30%**

ii. Minor - **20%**

iii. Administrative - **30%**

**MPCA suggested another category, applicability/greenfield - 20%**

b. Of all changes that you have, how many (or what percentages) were:

i. Off-permit

ii. 502(b)(10)

**MPCA could not estimate these, because they do not track them in this manner.**

5. How many days, on average, does it take to process (from application receipt to final permit amendment):

**MPCA has committed to begin an application for a permit within 60 days of receipt.**

a. a significant permit revision?

**A significant permit revision generally takes about 6-9 months to process, unless it is a controversial permit. Controversial permits can take up to 1.5 years.**

b. a minor revision?

**A moderate revision usually take 4-6 months to process. A minor revision takes about 60-90 days.**

c. an administrative revision?

**An administrative revision takes about 30 days to process.**

Y X N ☐

6. Have you taken longer than the part 70 timeframes of 18 months for significant revision, 90 days for minor permit revisions and 60 days for administrative? Explain.

**Because controversial permits mostly involve construction projects, some significant revisions have taken 3 years to issue. Even minor permits can take greater than 90 days to issue because they often involve construction projects.**

7. What have you done to streamline the issuance of revisions?

**For minor modifications, Minnesota rules allow construction to begin prior to permit issuance. For moderate modifications, MPCA issues a letter authorizing construction to begin after the 30 day public comment period. For major revisions, MPCA permit engineers utilize a checklist which streamlines permit issuance and promotes consistency in the program. MPCA and EPA are also working to finalize and publish State rules which will combine the 30 day public comment period and the 45 day EPA review period.**

8. What process do you use to track permit revision applications moving through your system?

**MPCA uses an Excel spreadsheet to track permit applications, as they are received, and work towards a goal that all applications will be acted upon within 60 days. MPCA's Delta system is not used to track applications until a draft permit is being written.**

Y X N ☐

9. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, off-permit change, significant or minor revision, or requires that the permit be reopened? If so, provide a copy.

**This guidance is available online and it called the "Air Quality Permitting Guide". The Air Quality Permits Guide is separated into 3 categories: Defining the Facility, Determining Compliance and Making Changes. Part 3, Making Changes, explains what air quality rules and regulations apply when making changes at a facility and how the change affects the source's air emission permit.**

Y X N ☐ 10. Do you require that source applications for minor and significant permit modifications include the source's proposed changes to the permit?

Y X N ☐ a. For minor modifications, do you require sources to explain their change and how it affects their applicable requirements?

**MPCA requires sources to complete a minor application form which asks them to explain the proposed project.**

Y X N ☐ 11. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used?

12. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts).

**In the public notice announcement, MPCA provides a narrative description that states which sections are being revised. The permittee receives a completely new permit.**

13. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment?

**This information is provided in the narrative of the announcement.**

#### Permit Renewal Or Reopening

Y X N ☐ 14. Have you begun to issue permit renewals?

**Primarily, the permit renewals MPCA have issued have been general permits. They have issued a handful of individual source renewals.**

15. What are your plans for timely issuance of the renewals?

**MPCA has prioritized their permit issuance. As such, they are trying to issue all their initial permits before they begin on renewals. MPCA is providing an incentive program, in the form of overtime pay, to permit engineers to issue permit renewals for individual sources. As of May, 2004, MPCA stated that had approximately 72 expired Title V**

permits.

Y X N ☐

16. Do you have a different application form for a permit renewal compared to that for an original application? (e.g., are your application renewal forms different from the forms for initial permits)

a. If yes, what are the differences? Are 1st time requirements (like CAM, off permit changes, etc.) in a renewal application being included in the renewal?

**For permit renewals, a printout of what is in MPCA's Delta system is sent to the permittee. The permittee is asked to make any additions and/or revisions and resubmit the information.**

Y X N ☐

17. Has issuance of renewal permits been "easier" than the original permits? Explain.

18. How are you implementing the permit renewal process (ie., guidance, checklist to provide to permit applicants)?

**9 months prior to permit expiration, the permit application printout is sent to the permittee.**

19. What % of renewal applications have you found to be timely and complete?

**MPCA estimates that approximately 50% of the renewal applications are timely. They do not have an estimate for how many are complete.**

20. How many complete applications for renewals do you presently have in-house ready to process?

**About 60 complete applications for renewals are presently in-house and ready to process.**

Y ☐ N X

21. Have you been able to or plan to process these renewals within the part 70 timeframe of 18 months? If not, what can EPA do to help?

**MPCA has been successful in processing renewals within 18 months for general permits. EPA and MPCA have negotiated a number of assistance tools to help Minnesota's permit issuance.**

Y X N ☐

22. Have you ever determined that an issued permit must be revised or revoked to assure compliance with the applicable requirements?

**MPCA has, on occasion, revoked a permit for compliance considerations (i.e., Clean Soils). In addition, other sources (Minnesota Valley Processing), were closed until compliance issues were resolved.**

## F. Compliance

### 1. Deviation reporting:

a. Which deviations do you require be reported prior to the semi-annual monitoring report? Describe.

**In Minnesota rule 7019.1000, facilities are required to notify MPCA of any deviations which would endanger human health or the environment immediately after discovery of the deviation or immediately after the deviation reasonably should have been discovered by the owner or operator. A written report of the deviation must be submitted within 2 days of the discovery of the deviation.**

**Breakdowns of more than one hour in duration of any control equipment or process equipment must be reported to MPCA within 24 hours of the occurrence, if the breakdown resulted in an increase in emissions.**

**Shutdowns must be reported to MPCA at least 24 hours in advance of a planned shutdown of any control equipment or process equipment if the shutdown would cause any increase in the emissions of any regulated air pollutant. If advance knowledge of the shutdown is not known, notification shall be made as soon as possible after the shutdown.**

**CEMs and excess emissions data are reported to MPCA quarterly.**

Y X N ☐

b. Do you require that some deviations be reported by telephone?

**MPCA requires that a facility notify them of any shutdown/malfunction immediately by telephone or facsimile if it endangers human health or the environment.**

Y X N ☐

c. If yes, do you require a followup written report? If yes, within what timeframe?

**A written follow-up report is due within two days of the occurrence. MPCA also requires written notice of planned shutdowns, no less than 24 hours prior to the shutdown.**

Y ☐ N ☒

d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified).

**Shutdown/malfunction reports need not be certified by a responsible official.**

Y ☒ N ☐

i. Do you require all certifications at the time of submittal?

Y ☐ N ☐

ii. If not, do you allow the responsible official to “back certify” deviation reports? If you allow the responsible official to “back certify” deviation reports, what timeframe do you allow for the followup certifications (e.g., within 30 days; at the time of the semi-annual deviation reporting)?

**A source is allowed to fax a certification if the responsible official is not in the office at the time of the occurrence.**

2. How does your program define deviation?

**Deviation is defined in the Minnesota rules as any noncompliance with a rule, regulation or permit condition.**

Y ☐ N ☒

a. Do you require only violations of permit terms to be reported as deviations?

**Rule requirements not contained in a permit must be reported as deviations as well, i.e. any regulatory requirement deviation must be reported to MPCA.**

b. Which of the following do you require to be reported as a deviation (Check all that apply):

Y ☒ N ☐

i. excess emissions excused due to emergencies (pursuant to 70.6(g))

Y ☒ N ☐

ii. excess emissions excused due to SIP provisions (cite the specific state rule)

Y ☒ N ☐

iii. excess emissions allowed under NSPS or MACT SSM provisions?

Y ☒ N ☐

iv. excursions from specified parameter ranges where such

excursions are not a monitoring violation (as defined in CAM)

Y ☒ N ☐

v. excursions from specified parameter ranges where such excursions are credible evidence of an emission violation

Y ☒ N ☐

vi. failure to collect data/conduct monitoring where such failure is “excused”:

Y ☒ N ☐

A. during scheduled routine maintenance or calibration checks

Y ☒ N ☐

B. where less than 100% data collection is allowed by the permit

Y ☒ N ☐

C. due to an emergency

Y ☐ N ☐ **Not applicable** vii. Other? Describe.

3. Do your deviation reports include:

Y ☒ N ☐

a. the probable cause of the deviation?

Y ☒ N ☐

b. any corrective actions taken?

Y ☒ N ☐

c. the magnitude and duration of the deviation?

**The magnitude and duration of the deviation is summarized in the facility’s semiannual reports.**

Y ☒ N ☐

4. Do you define “prompt” reporting of deviations as more frequent than semi-annual?

**For shutdown/breakdown, reports must be made within 24 hours. Any deviations that could endanger human health or the environment must be reported immediately. CEMs are reported quarterly.**

Y ☒ N ☐

5. Do you require a written report for deviations?

**A written report is required for deviations that could endanger human health or the environment. Written reports are not required for breakdowns or shutdowns of equipment that utilize continuous emissions monitors or similar direct monitoring devices that demonstrate emissions do not exceed the applicable limit of any**



**regulated pollutant during the breakdown or shutdown.**

Y X N ☐

6. Do you require that a responsible official certify all deviation reports?

7. What is your procedure for reviewing and following up on:

a. deviation reports?

**Deviation reports are logged into the system. If the reports show deviations of less than 1% for COMs, 2 % for CEMs, 5% for missed records, and 10% downtime, no action is taken. If deviations are greater than this, the reports are sent to MPCA's CEMs specialist and possibly to enforcement.**

b. semi-annual monitoring reports?

**Semi-annual reports are procedurally handled in the same manner as deviation reports. Late submittals entered into the DELTA system automatically are referred to enforcement staff.**

c. annual compliance certifications?

**100% of the annual compliance certifications are reviewed for timeliness. DELTA automatically refers sources to enforcement if reports are more than 2 weeks late. These certifications are not used to initiate enforcement activity, but they are used as a reference for a facility under enforcement investigation.**

8. What percentage of the following reports do you review?

a. deviation reports

**100%**

b. semi-annual monitoring reports

**100%**

c. annual compliance certification

**100% of the annual compliance certifications are reviewed for timeliness. MPCA is instituting a new procedure to review for**

**compliance.**

9. Compliance certifications

Y ☒ N ☐

a. Have you developed a compliance certification form? If no, go to question 7.

**Currently, MPCA is revising all three of their compliance certification forms.**

Y ☒ N ☐

i. Is the certification form consistent with your rules?

ii. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent?

**Compliance is based on the source's specific monitoring method requirements.**

Y ☒ N ☐

iii. Do you require sources to use the form? What percentage do?

**All sources must use the form.**

Y ☐ N ☒

iv. Does the form account for the use of credible evidence?

Y ☐ N ☒

v. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists?

**If the source is in compliance, the permittee just specifies it is operating in accordance with the monitoring provisions in their permit.**

10. Excess emissions provisions:

Y ☒ N ☐

a. Does your program include an emergency defense provision as provided in 70.6(g)? If yes, does it:

Y ☒ N ☐

i. Provide relief from penalties?

Y ☐ N ☒

ii. Provide injunctive relief?

Y X N ☐

iii. Excuse noncompliance?

Y X N ☐

b. Does your program include a SIP excess emissions provision?  
If no, go to 6.c. If yes does it:

Y X N ☐

i. Provide relief from penalties?

Y ☐ N X

ii. Provide injunctive relief?

Y X N ☐

iii. Excuse noncompliance?

c. Do you require the source to obtain a written concurrence from the PA before the source can qualify for:

Y ☐ N X

i. the emergency defense provision?

Y ☐ N X

ii. the SIP excess emissions provision?

Y ☐ N X

iii. NSPS/NESHAP SSM excess emissions provisions?

11. Is your compliance certification rule based on:

Y X N ☐

a. the '97 revisions to part 70 - i.e., is the compliance certification rule based on whether the compliance monitoring method is continuous or intermittent; or:

Y ☐ N X

b. the '92 part 70 rule - i.e., is the compliance certification rule based on whether compliance was continuous or intermittent?

12. Any additional comments on compliance?

**MPCA did not provide additional comments on compliance.**

## G. Resources & Internal Management Support

Y **X** N ☐ 1. Are there any competing resource priorities for your “title V” staff in issuing Title V permits?

a. If so, what are they?

**MPCA has expressed that the NSR reform rules are pulling FTEs from Title V permit issuance. In addition, because of MPCA’s combined construction & Title V permit program, construction permitting can oftentimes compete with the issuance of Title V permits. The following is language taken directly from MPCA’s permit website that outlines how permit issuance is prioritized.**

**“1.Construction permits: Applications for major and moderate amendments are put on a list, or queue, based on the principle that the first one received is the first one worked on. There is also an expedited permit program where facilities pay to have staff work overtime to draft their permit. This is only useful when the queue is large. New total facility operating permits are also put in this queue.**

**2.Total facility operating permits: These applications are worked on based on the priorities set by the AQ permit management. One of the requirements states need to meet by a specific deadline under the Title V program is to issue Title V permits to enough sources so that their pooled emissions total a certain percentage of the total emissions in the state.. In order to meet this Federal requirement, the MPCA works on Title V permits for the largest sources of air emissions in the state first.. The industries in Minnesota that received first priority were: utilities, taconite plants, refineries, and pulp and paper (which represent 60-70 percent of the stationary source emissions in Minnesota). As these permits are issued, the next largest sources are worked on (the second tier of industries are soybean and sugar beet processing along with some of the 3M facilities). The exceptions to the above rule are: facilities that need their operating permit by a certain date to avoid federal requirements or operating permits for the construction of new facilities (see number 1, above). “**

**Thus, resources are not sharply divided between these two programs. When the state economy is “good”, an increase in requests for construction and modification permits is seen. In**

**general, processing and issuing construction and modification permits take precedence over issuance of Title V permits. However, in order to optimize efficiency with regard to Title V permits, MPCA tries to issue total facility permits along with an authorization to construct or modify whenever they have an opportunity to do so.**

**Enforcement settlements and sector initiatives (i.e., ethanol, forest products and refinery) also require permit staff resources.**

2. Are there any initiatives instituted by your management that recognize/reward your permit staff for getting past barriers in implementing the title V program that you would care to share?

**Monetary compensation is offered for employees willing to work overtime to get Title V permits and permit renewals issued. Other employee incentives include promotion opportunities, workplan goals, contests such as the “Great Permit Race” and other non-monetary recognition awards. In previous years, when budgets were not as tight, employees were rewarded with monetary awards.**

3. How is management kept up to date on permit issuance?

**Management receives monthly and quarterly reports on Title V permit issuance rates, permit status, trends and high profile issues. A higher level summary report is also given to the Commissioner.**

Y X N ☐

4. Do you meet on a regular basis to address issues and problems related to permit writing?

**MPCA permitting staff meet twice per month for LEADS meetings to discuss permits, problems, permit status, questions, etc. Weekly meetings are held between staff and supervisors and monthly meetings are held between supervisory staff and upper management.**

Y X N ☐

5. Do you charge Title V fees based on emission volume?

**MPCA charges fees based on emission volume. The total amount of pollution tonnage is one of the factors built in the fee calculation annually.**

a. If not, what is the basis for your fees?

b. What is your Title V fee?

**The MPCA collects all its air emission facilities fees together. Starting with the 1991 legislative session, the Minnesota legislature authorized the MPCA to collect the fees required by the Clean Air Act Amendments. The fees are used to cover the costs of the CAAA and the state programs historically funded by the state general fund. The air emission fee structure specified under the CAAA requires a minimum fee “target” that states must collect. To separate out Title V, annually, MPCA estimates what the CAAA minimum is - this is the \$25 per ton, adjusted for inflation since 1989, multiplied by the number of tons of each chargeable pollutant listed in the most recently available emission inventory. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described in Minnesota statutes, Section 116.07, Subd 4d, paragraph (d). They then set the budget for Title V based on this.**

6. How do you track title V expenses?

**MPCA separates out Title V and non-Title V by smart coding all allotments.**

7. How do you track title V fee revenue?

**MPCA refers back to 5.b. to answer this question.**

8. How many Title V permit writers does the agency have on staff (number of FTE's)?

**MPCA has 8.5 FTEs dedicated to Title V permit writing.**

Y ☐ N ☒ X

9. Do the permit writers work full time on Title V?

a. If not, describe their main activities and percentage of time on title V permits.

**MPCA's permit writers are responsible for writing all types of permits. However, there are three permit writers who are almost exclusively working on Title V permits (.9 FTE). The majority of the staff spend at least half of their time working on Title V permits.**

b. How do you track the time allocated to Title V activities versus other non-title V activities?

**MPCA utilizes a time tracking system with gives yearly estimates of time the amount of time each permit writer has spent on Title V permits.**

Y X N ☐ 10. Are you currently fully staffed?

**All authorized positions are filled.**

11. What is the ratio of permits to permit writers?

**345 Title V permits:8.5FTEs = 40 Title V facilities to each Title V FTE.  
345 Title V permits:18.5 FTEs = 18.6 Title V facilities to staff**

12. Describe staff turnover.

**Last year, MPCA lost 70+ positions to reduction in resources. The Air Quality Division reduced their staff by 2 positions. However, they did not lose any permit writers. MPCA also described their staff turnover as representative of any other industry, about 3 % MPCA vacancy and less for the Air Quality Division.**

a. How does this impact permit issuance?

**In order to meet the Title V issuance commitments, MPCA limited resources for construction permits so that Title V permits could be issued. Therefore, last year staff turnover did not affect Title V permit issuance.**

b. How does the permitting authority minimize turnover?

**To minimize turnover, MPCA works to manage workloads, implements recognition programs, provides training and professional development programs and promotes qualified individuals into higher positions.**

Y X N ☐ 13. Do you have a career ladder for permit writers?

a. If so, please describe.

**Permit writers begin at a grad1, go to a grad2 and then become**

**senior permit writers. Senior permit writers must be licensed professional engineers.**

Y X N ☐ 14. Do you have the flexibility to offer competitive salaries?

**MPCA is allowed to consider previous work and training when offering a salaried position.**

Y X N ☐ 15. Can you hire experienced people with commensurate salaries?

**In comparison to other state agencies, MPCA believes that they are able to offer commensurate salaries to qualified individuals.**

16. Describe the type of training given to your new and existing permit writers.

**A new permit writer is assigned a mentor to work with. For all permit writers, new and existing, work plans are annually set where training and development goals are laid out. For new and existing permit writers, training opportunities, such as satellite links to EPA's APTI training courses and STAPPA, EPA and consultant training, are offered and encouraged. Staff also undergoes peer review by enforcement and permit staff and participates in bimonthly LEADS meetings, which focus on policy decisions and discussions of complex permit issues. MPCA feels the LEADS meetings are a very important part of their ongoing training to permit writers because a variety of current issues are shared.**

17. Does your training cover:

Y X N ☐ a. how to develop periodic and/or sufficiency monitoring in permits?

Y X N ☐ b. how to ensure that permit terms and conditions are enforceable as a practical matter?

Y X N ☐ c. how to write a Statement of Basis?

Y X N ☐ 18. Is there anything that EPA can do to assist/improve your training? Please describe.

**MPCA would like to EPA to offer timely training for new regulations, to offer timely policy and implementation guidance for new and existing regulations. They would also like EPA to allocate resources**



for training interested parties.

19. How has the PA organized itself to address Title V permit issuance?

**MPCA stated that it underwent a reorganization in 1998 and, since, have changed slightly to focus managers and staff on Title V issuance. Whenever possible, MPCA allows staff to work solely on Title V.**

20. Overall, what is the biggest internal roadblock to permit issuance from the prospective of Resources and Internal Management Support?

**MPCA characterized competing priorities as the biggest roadblock to permit issuance, i.e. NSR reform, construction & Title V permitting requirements, industry's desire for flexibility and citizen concerns about toxics and urban air quality.**

#### Environmental Justice Resources

Y ☐ N ☒ 21. Do you have Environmental Justice (EJ) legislation, policy or general guidance which helps to direct permitting efforts?

If so, may EPA obtain copies of appropriate documentation?

Y ☒ N ☐ 22. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities?

Y ☒ N ☐ 23. Have you provided EJ training / guidance to your permit writers?

**EJ training has been provided to agency staff through brown bag lunch sessions.**

Y ☒ N ☐ 24. Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., soci-economic status, minority populations, etc.)

**Permit writers are able to access demographic information necessary for EJ assessments from EPA's website.**

Y ☒ N ☐ 25. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance.

**For construction permits, EJ screening is part of MPCA's community involvement protocol.**

H. Title V Benefits

1. Compared to the period before you began implementing the Title V program, does the Title V staff generally have a better understanding of:

Y ☐ N ☒ a. NSPS requirements?

Y ☒ N ☐ b. The stationary source requirements in the SIP?

**Because of the file review required to issue a Title V permit, MPCA staff feels they have a better understanding of the stationary source SIP requirements.**

Y ☐ N ☒ c. The minor NSR program?

Y ☐ N ☒ d. The major NSR/PSD program?

Y ☒ N ☐ e. How to design monitoring terms to assure compliance?

**Monitoring terms to assure compliance have become more structured and consistent.**

Y ☐ N ☒ f. How to write enforceable permit terms?

2. Compared to the period before you began implementing the Title V program, do you have better/more complete information about:

Y ☒ N ☐ a. Your source universe including additional sources previously unknown to you?

Y ☒ N ☐ b. Your source operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)?

Y ☒ N ☐ c. Your stationary source emissions inventory?

Y ☐ N ☒ d. Applicability and more enforceable (clearer) permits?

3. In issuing the Title V permits:

Y ☒ N ☒ a. Have you noted inconsistencies in how sources had previously

been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe.

**MPCA answered yes and no to this question. They noted that changing times and priorities, as well as guidance have resulted in inconsistency in how sources have been regulated.**

Y **X** N ☐

b. Have you taken (or are you taking) steps to assure better regulatory consistency within source categories and/or between sources? If yes, describe.

4. Based on your experience, estimate the frequency with which potential compliance problems were identified through the permit issuance process:

	Never	Occasionally	Frequently	Often
a. prior to submitting an application	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
b. prior to issuing a draft permit	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
c. after issuing a final permit	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

5. Based on your experience with sources addressing compliance problems identified through the Title V permitting process, estimate the general rate of compliance with the following requirements prior to implementing Title V:

a. NSPS requirements (including failure to identify an NSPS as applicable)	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
b. SIP requirements	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
c. Minor NSR requirements (including the requirement to obtain a permit)	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
d. Major NSR/PSD requirements (including the requirement to obtain a permit)	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

6. What changes in compliance behavior on the part of sources have you seen in response to Title V? (Check all that apply.)

Y ☐ N ☐

a. increased use of self-audits?

**MCPA did not know the answer to this question.**

Y ☒ N ☐

b. increased use of environmental management systems?

**Yes, increased use of environmental management systems have been seen in larger companies.**

Y ☒ N ☐

c. increased staff devoted to environmental management?

Y ☒ N ☐

d. increased resources devoted to environmental control systems (e.g., maintenance of control equipment; installation of improved control devices; etc.)?

Y ☒ N ☐

e. increased resources devoted to compliance monitoring?

Y ☒ N ☐

f. better awareness of compliance obligations?

Y ☐ N ☐

h. other? Describe.

Y ☐ N ☐

7. Have you noted a reduction in emissions due to the Title V program?

**MPCA stated that companies tend to take enforceable limits to avoid permitting regulations, so, in theory, this should result in a reduction in emissions.**

Y ☐ N ☒

a. Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance?

Y ☐ N ☒

b. Did that lead to a change in the fee rate (dollars/ton rate)?

8. Has title V resulted in improved implementation of your air program in any of the following areas due to Title V:

Y ☐ N ☒

a. netting actions

Y ☒ N ☐

b. emission inventories

Y ☒ N ☐

c. past records management (e.g., lost permits)

Y ☒ N ☐

d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance)

Y ☒ N ☐

e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc.

Y ☒ N ☐ f. clarity and enforceability of NSR permit terms

Y ☒ N ☐ g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold)

Y ☐ N ☐ h. emissions trading programs

**Not applicable.**

Y ☒ N ☐ i. emission caps

Y ☐ N ☐ j. other (describe)

Y ☐ N ☐ 9. If yes to any of the above, would you care to share how this improvement came about? (E.g., increased training; outreach; targeted enforcement)?

Y ☒ N ☐ 10. Has Title V changed the way you conduct business?

Y ☒ N ☐ a. Are there aspects of the Title V program that you have extended to other program areas (e.g., require certification of accuracy and completeness for pre-construction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe.

**Due to their combined permit program, MPCA feels that certainly aspects of the Title V program have invariably been carried over to other program areas.**

Y ☒ N ☐ b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in Title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe.

**Yes, MPCA has combined their NSR and Title V permit programs and now issue one permit.**

Y ☒ N ☐ c. Do you work more closely with the sources? If yes, describe.

Y ☒ N ☐ d. Do you devote more resources to public involvement? If yes, describe.

**More resources are devoted to public involvement, by**

**necessity. This is not related to Title V, per se.**

Y ☒ N ☐

e. Do you use information from Title V to target inspections and/or enforcement?

Y ☐ N ☐

f. Other ways? If yes, describe.

Y ☒ N ☐

11. Has the Title V fee money been helpful in running the program?

**Yes, for the first two years of the program.**

Have you been able to provide:

Y ☒ N ☐

a. better training?

Y ☒ N ☐

b. more resources for your staff such as CFRs and computers?

Y ☒ N ☐

c. better funding for travel to sources?

Y ☒ N ☐

d. stable funding despite fluctuations in funding for other state programs?

Y ☐ N ☒

e. incentives to hire and retain good staff?

Y ☒ N ☐

f. are there other benefits of the fee program? Describe.

**MPCA cited stabilization of funding as a benefit of the Title V fee program. In addition, taxing pollutants by ton is an incentive for companies to reduce their emissions.**

Y ☐ N ☒

12. Have you received positive feedback from citizens?

**Citizens have expressed positive feedback in the public participation process itself. However, they state they don't see any emission reductions from the Title V program.**

Y ☒ N ☐

13. Has industry expressed a benefit of Title V? If so, describe.

**Industry has expressed a benefit of Title V, especially when a change of ownership occurs - all the regulations are located in one permit. They have also stated that the Title V program has helped them in creating good neighbor partnerships with community groups and individuals.**

Y ☒ N ☐

14. Do you perceive other benefits as a result of the Title V program? If so, describe.

**MPCA considers having all applicable regulations in one document to be a benefit of the Title V program. They also feel that increased education by the facility, just to complete the application form, may prevent emissions.**

Y ☐ N ☐

15. Other comments on benefits of title V?

**No other comments on the benefits of Title V were offered.**

Good Practices not addressed elsewhere in this questionnaire

Are any of the practices employed that improve the quality of the permits, or other aspects of title V program that are not addressed elsewhere in this questionnaire?

**MPCA stated that their combined permit program is an asset because it reduces overlap between engineers and reduces administrative costs. They also stated that there are additional benefits in being a delegated permitting program, such as streamlining the permitting process.**

EPA assistance not addressed elsewhere in this questionnaire

Is there anything else EPA can do to help your title V program?